

REMARKS

Claims 31-64, 67 and 68 are pending. No new matter has been added by way of the present submission. For instance, claims 62 and 63 have been amended to recite "inhibiting" as supported by the specification, and claim 64 has been amended to recite "therapeutic treatment" as supported by the claims as pending. Lastly, non-elected claims 65 and 66 have been cancelled. Thus, no new matter has been added.

In view of the following remarks, the Examiner is respectfully requested to withdraw all rejections and allow the currently pending claims.

Elected Subject Matter

Applicants thank the Examiner for the examination of claims 31-64, 67 and 68. The claims of non-elected Group II (claim 65) and Group III (claim 66) are cancelled herein. Applicants retain the right to file divisional applications directed to the subject matter of these claims.

Obviousness-type Double Patenting

The Examiner has rejected claims 31-52, 55 and 55-64 under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-26 of U.S. Patent No. 6,867,320 (herein referred to as the '320 patent). Applicants respectfully traverse this rejection.

Attached hereto is a Terminal Disclaimer directed to the '320 patent. Thus, this issue is moot. Reconsideration and withdrawal thereof are respectfully requested.

Application No.: 10/568,185  
Amendment dated May 5, 2008  
Response to Office Action of February 5, 2008

Docket No.: 2870-0265PUS2

Issues under 35 U.S.C. § 112, first paragraph

The Examiner has rejected claims 62-64 under 35 U.S.C. § 112, first paragraph for the reasons recited at pages 5-8 of the outstanding Office Action. Applicants respectfully traverse this rejection.

By way of the present submission, claims 62 and 63 have been amended to require inhibiting production, and claim 64 has been amended to require therapeutic treatment. Applicants submit that those of skill in the art are fully able to make and use the invention of these claims without undue experimentation. Therefore, the Examiner is respectfully requested to withdraw this rejection.

In view of the above, Applicants respectfully submit that the present application is in condition for allowance. The Examiner is therefore requested to withdraw all rejections and issue a Notice of Allowability.

If the Examiner has any questions please contact Craig A. McRobbie, Reg. No. 42,874 at the offices of Birch, Stewart, Kolasch & Birch, LLP at the number listed below.


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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: May 5, 2008

Respectfully submitted,

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